

# Notice of Allowability

Application No.

10/647,056

Examiner

M. A. Sager

Applicant(s)

SUNDSTROM, STEPHEN J.

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers rec'd 8/25/03 and interview conducted 3/27/07.
2. ☒ The allowed claim(s) is/are 1-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 8/25/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
M. A. Sager  
Primary Examiner  
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*Examiner's Amendment*

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Ray Shahani (37554) on March 27 and 29, 2007.

The application has been amended as follows:

Specification, page 10, replace 'FIG. 25' (second occurrence at bottom of page) with --FIG. 29--.

Specification, page 11, replace 'FIG. 25' (at top of page) with --FIG. 30--.

Claim 43, line 3, after stock add --create a plurality of groups that each comprises one or more items, wherein each of the groups is associated with a unique indicium, wherein each of the items has an identifying feature associated with one of the indicium, and wherein each of the one or more items is associated with one or more values--.

Claim 43, line 7, replace 'an optional' with --a--, and after 'module' add --determines a performance value for each group over a period of time and determines a sequence of the plurality of groups based upon the performance value for the period of time--.

Claim 47, line 4, after 'websites' add --creating a plurality of groups that each comprises one or more items, wherein each of the groups is associated with a unique indicium, wherein each of the items has an identifying feature associated with one of the indicium, and wherein each of the one or more items is associated with one or more values--.

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Claim 47, line 10, replace 'an optional' with --a--, and after 'module' add --determining a performance value for each group over a period of time and determining a sequence of the plurality of groups based upon the performance value for the period of time--.

### *Reasons for Allowance*

2. The following is an examiner's statement of reasons for allowance: the method, system or web-based server including determining a performance value for each group over a period of time and determining a sequence of the plurality of groups based upon the performance value for the period of time in combination with other claimed steps/features appears allowable.

Essentially, the prior art lacks teaching or suggesting determining a sequence of the plurality of groups based upon the performance value for the period of time such as in a race as claimed herein. For instance Sarno, Walker or the Great Weather Lottery each teach lottery or chance game that create groups and determine performance value such as temperature at a time of day in a city over a period or value of selected market or stock over a period; while, Markowicz teaches a chance game with a racing module.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Great Weather Lottery teaches a lottery that obtains/determines temperature of a

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predetermined number of cities at a period of time as the winning numbers; while, Markowicz teaches a lottery or game of chance with a race module.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is 571-272-4454. The examiner can normally be reached on T-F, 0700-1730 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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